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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 GILBERT WHITE,

Case No. 3:14-cv-00215-MMD-VPC

10 Petitioner,

ORDER

11 v.

12 ISIDRO BACA,

13 Respondents.
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15 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28
16 U.S.C. § 2254, by a Nevada state prisoner. Neither a filing fee nor an application to
17 proceed *in forma pauperis* was submitted with the petition. Petitioner must either submit
18 the \$5.00 filing fee for habeas petitions or an application to proceed *in forma pauperis*.

19 Due to the lack of an *in forma pauperis* application or filing fee, the present action
20 will be dismissed without prejudice to the filing of a new petition in a new action with a
21 pauper application with all required attachments. It does not appear from the papers
22 presented that a dismissal without prejudice would result in a promptly-filed new petition
23 being untimely. In this regard, plaintiff at all times remains responsible for calculating the
24 running of the limitations period as applied to his case and properly commencing a
25 timely-filed habeas corpus action.

26 Additionally, the petition was not submitted on the Court's approved form. The
27 Local Rules of Court require petitioners appearing in *pro se* to file their petitions on the
28 Court's approved form. Local Rules of Special Proceedings 3-1 ("a petition for a writ of

1 *habeas corpus*, filed by a person who is not represented by an attorney, shall be on the
2 form provided by this court.”). The Court will provide plaintiff with the approved form for
3 filing a *pro se* petition for a writ of habeas corpus.

4 It therefore is ordered that this action is dismissed without prejudice to the filing
5 of a new petition in a new action.

6 It is further ordered that the Clerk of the Court shall send petitioner two (2) copies
7 of an *in forma pauperis* application form for a prisoner, one (1) copy of the instructions
8 for the same, two (2) copies of a blank 28 U.S.C. § 2254 habeas petition form, and one
9 (1) copy of instructions for the same.

10 It is further ordered that petitioner may file a new petition in a new action, but he
11 may not file further documents in this action.

12 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

13 DATED THIS 30th day of April 2014.

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16 MIRANDA M. DU
17 UNITED STATES DISTRICT JUDGE
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